REMARKS

This Amendment responds to the Office Action mailed September 7, 2007 and to the Notice of Non-Compliant Amendment mailed February 15, 2008, in the above-identified application. For the following reasons, reconsideration and allowance of the Application are requested.

Claims 1, 2 and 4-21 were previously pending in this Application. The amendments to punctuation in claims 1 and 2 of the response of December 5, 2007 were made in error and have been removed. Claims 1 and 2 are now labeled as "Previously Presented". By this Amendment, Claim 21 has been canceled without prejudice or disclaimer. Accordingly, claims 1, 2 and 4-20 are currently pending, with claims 1 and 2 being independent claims. No new matter has been added.

The Examiner has rejected claims 1-2, 4-7, 12-14, 16 and 21 under 35 U.S.C. §102(b) as anticipated by Mills (Article entitled: "Internet Time Synchronization: The Network Time Protocol"). Claim 15 is rejected under 35 U.S.C. 103(a) as unpatentable over Mills in view of Micali (US 6,097,811). Claims 8-11 and 17-20 are indicated to be allowable if rewritten in independent form. The rejections are respectfully traversed.

Mills describes the Network Time Protocol (NTP), which is designed to distribute time information in a large diverse internet system (Abstract). In NTP, one or more primary servers synchronize directly to external reference sources such as time code receivers. Secondary time servers synchronize to the primary servers and others in the synchronization subnet (Section III, paragraph 3).

Applicants' claim 1 is directed to a method for determining a bound around a reference time such that the reference time is determined to have occurred between a first bound limit and a second bound limit. The method comprises, in part, transmitting a protected reference time request to a higher level computing device, wherein the higher level computing device is a level

closer to a reference time source, and receiving a response from the higher level computing device, the response comprising a protected reference time source response, the reference time source response comprising the reference time and a collection of protected reference time requests from each first level computing device that had transmitted the collection of protected reference time requests to the reference time source prior to the reference time.

The Examiner asserts that Section III B, paragraph 3 of Mills discloses receiving a response from the higher level computing device as defined by claim 1. In the cited Section, Mills states:

> "While the multicast and procedure-call classes may suffice on LAN's involving public time servers and perhaps many private workstation clients, the full generality of NTP requires distributed participation of a number of time servers arranged in a dynamically reconfigurable, hierarchically distributed configuration. This is the motivation for the symmetric modes (active and passive). By operating in these modes a server announces its willingness to synchronize or to be synchronized by a peer, depending on the peer-selection algorithm. Symmetric active mode is designed for use by servers operating near the leaves (high stratum levels) of the synchronization subnet and with preconfigured peer addresses. Symmetric passive mode is designed for use by servers operating near the root (low stratum levels) and with a relatively large number of peers on an possibly intermittent basis."

Applicants submit that the cited passage does not disclose or even remotely suggest a reference time source response comprising the reference time and *a collection of protected reference time requests from each first level computing device that had transmitted the collection of protected reference time requests to the reference time source prior to the reference time.* This feature is described by way of example only in paragraph 0058 on page 25 of the subject application. Mills does not teach or suggest a response including a *collection* of reference time requests and does not teach or suggest *protected* reference time requests. Because Mills is lacking any teaching of the above limitation, Mills does not anticipate or make obvious the method of claim 1, and withdrawal of the rejection is respectfully requested.

Application No. 10/694,596   - 9 -   Docket No.: M1103.70114US00
Amendment dated March 5, 2008
Reply to Notice of Non-Compliant Amendment of February 15, 2008

Claims 4-11 depend from claim 1 and are patentable over the cited references for at least the same reasons as claim 1.

Claim 2 is directed to a computer-readable medium having computer-executable instructions for executing the method of claim 1. Claim 2 is patentable over Mills for the reasons discussed above in connection with claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 12-20 depend from claim 2 and are patentable over the cited references for at least the same reasons as claim 2.

Based upon the above discussion, claims 1, 2 and 4-20 are in condition for allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: March 5, 2008   Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,596	10/23/2003	Jonathan R. Howell	M1103.70114US00	3508

45840   7590   02/15/2008
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EXAMINER
LAI, MICHAEL C

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
02/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Notice of Non-Compliant Amendment (37 CFR 1.121)	10/694,596	HOWELL ET AL.
	Examiner	Art Unit	
	Michael C. Lai	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on <u>05 December 2007</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
    - ☐ A. Amended paragraph(s) do not include markings.
    - ☐ B. New paragraph(s) should not be underlined.
    - ☐ C. Other _____.

- ☐ 2. Abstract:
    - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
    - ☐ B. Other _____.

- ☐ 3. Amendments to the drawings:
    - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
    - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
    - ☐ C. Other _____.

- ☒ 4. Amendments to the claims:
    - ☐ A. A complete listing of all of the claims is not present.
    - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
    - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
    - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
    - ☒ E. Other: <u>See Continuation Sheet</u>.

- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
    _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

> **Extensions of time** are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

> **Failure to timely respond** to this notice will result in:
> **Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
> **Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable	Telephone No.

Continuation of 4(e) Other:
1. Page 2, claim1, line 6, the character ":" was added without being shown by underlining. Line 11, the expression "[[;]]" is trying to delete something doesn't exist (";"). Line 13, the expression "[[,]]" also trying to delete something doesn't exist (",").
2. The issue described above also applies to claim 2..

YVES DALENCOURT
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100